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## Book Reviews

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## BOOK REVIEWS

CONFESSION: STUDIES IN DEVIANCE AND RELIGION. By *Mike Hepworth* and *Bryan S. Turner*. London: Routledge & Kegan Paul, 1982. Pp. 200. \$22.00.

Confessions are an integral part of social relations. Religionists, sociologists, psychologists, anthropologists, historians, and legalists have all explored various dimensions of the confessional process to illuminate relations between man, the state, and God. Researchers have, however, offered conflicting interpretations of the institutions of confession to crime and sin. Some researchers stress the functional, bonding dimension of confession; others stress the dysfunctional, repressive character of self-condemnation for deviant acts. But scholars have not fully appreciated the interactive, dialectical relationship between confession to crime and sin that has existed throughout history.

Hepworth and Turner address these issues in *Confession: Studies in Deviance and Religion* by examining "the complex relationship between criminal and religious confessions" and by "consider[ing] these relationships within the context of law and religion as mechanisms of social control" (p. 5). The authors examine religious and criminal confessional processes in diverse cultures—including Greece, Rome, the Soviet Union, China, North Korea, Nazi Germany, and England—to document the variety of confessional rituals and impacts. Their analytical emphasis, however, is focused on the dynamics of confession to murder in nineteenth-century England. The authors extend their analysis by providing logical and historical critiques of confessional theories developed by Freud, Weber, Durkheim, Foucault, Pettazzoni, Lemert, Garfinkel, and Marx.

The multidimensional, interdisciplinary nature of Hepworth and Turner's analysis precludes concise summary of all of the study's major findings. However, their central thesis is clear: confessions to crime and sin are ubiquitous and inextricably linked; the study of self-condemnation reveals much about the nature of any society or culture. More importantly, the authors conclude that completed confessional theories are simplistic. The comparative and historical methodology employed in *Confession* reveals that self-condemnation for crime or sin does not serve

to exclusively bond (Durkheim, Weber) or repress (Marx) the confessor; rather, the function and impact of confession is culturally specific. Confessional institutions have been used to protect the interests and ideologies of powerful groups (for example, the Roman Catholic Inquisition, communist North Korea, Russia, and China). Confessional institutions have, however, been used in other societies (England, for example) to redefine the boundaries of acceptable social behavior and reunite the confessor with society. In short, the authors contend that criminal and religious confessions have served both "social exclusion" and "social inclusion" functions.

These findings should contribute to knowledge in a variety of disciplines. Legal audiences will be particularly interested in the authors' analysis of confession to murder in England. The authors argue that confession on the scaffold prior to the abolition of public executions in 1868 served a variety of functions. Specifically, remorseful last-minute confessions by the "ideal killer" reaffirmed society's prohibition against the act in question, absolved judges and other courtroom actors of responsibility for meting out the punishment, reunited the condemned with the community, and finally, permitted divine absolution for the act. With the abolition of public executions, however, public interest was refocused on courtroom confessions. Detective stories and "crime literature"—replete with detailed descriptions of the horrors of the crime and the defendant's admission of guilt and plea for forgiveness—are linked with the increased focus on courtroom adjudication. Finally, the authors link the emergence of forensic criminology and criminal psychology with the termination of public executions.

Readers interested in the sociology of deviance may profit from the authors' critique of labelling theory. Labelling theorists (e.g., Lemert, Becker) have argued that confessions to deviant acts (including murder) are stigmatizing, precipitate social isolation, and foster negative self-concepts within the confessor. Hepworth and Turner's analysis of the "ideal killer," in contrast, demonstrates a diametrically opposed result. Remorseful confessions by English murderers resulted in social inclusion; the unrepentent killer, in contrast, remained socially and morally excluded.

*Confession* does, however, suffer from a number of limitations. Religionists, sociologists, psychologists, anthropologists, historians, and legalists may all find that sections of the analysis which pertain to their specific disciplines are superficial. Legalists and criminal justice theorists, for example, may be disappointed with the authors' failure to provide a substantive analysis of criminal justice processes and of laws governing confessional institutions. Sociologists may have problems with the authors' analysis of the sociology of confessional motivation:

can labelling theory be adequately tested with historical data? Historians may find Hepworth and Turner's thesis on the "bonding" nature of confessions by nineteenth-century English murderers simplistic, given the nature of the class relations involved and the social characteristics of the executed. Finally, readers from all disciplines will probably find *Confession* organizationally disjointed. The flow of argument between and within chapters is at times illusory. The organizational unevenness of the book is due principally to the fact that three of the book's seven chapters are unedited reprints of journal articles.

The strengths, weaknesses, and overall contributions of *Confession* must, then, be viewed as discipline specific. Legalists and criminal justice theorists will profit from some sections of the analysis. Hepworth and Turner have successfully demonstrated that confessions reveal much about the character of a culture; they have also demonstrated that confessional institutions (such as plea bargaining) merit interdisciplinary study in the future. Legalists will find, however, that much of the authors' analysis is cursory. Despite these limitations, *Confession* should be of interest to a variety of advanced audiences; it should, however, be carefully reviewed if considered for classroom use.

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WHO RULES THE JOINT? THE CHANGING POLITICAL CULTURE OF MAXIMUM SECURITY PRISONS IN AMERICA. By *Charles Stastny* and *Gabrielle Tyrnauer*. Lexington, Massachusetts: Lexington Books, 1982. Pp. xix, 234. \$27.00.

Stastny and Tyrnauer's *Who Rules the Joint* provides a well-documented, sophisticated political analysis of a social experiment in prison management. The experiment involved the introduction of a limited form of inmate self-government at the state penitentiary in Walla Walla, Washington. This case study chronicles the rise and fall of that experiment in prison reform and attempts to identify and examine the structural factors responsible for its failure. Considerable attention is given to the turmoil that followed the implementation of quasi-democratic procedures behind prison walls.

In the present study, the authors trace the development, implementation, and aftermath of this correctional innovation. They go beyond a simple description of the details of this experiment in prison democracy

and pay special attention to the effects of the reform on the distribution of power within the maximum security facility. Of particular interest is the authors' description and analysis of the contemporary inmate subculture and the resulting impact that inmate clubs or groups have on the socio-political environment of the prison.

*Who Rules the Joint* is divided into two sections. Part I presents perspectives on the American prison system and provides a rather abbreviated introduction to the modern American prison. In this section, which serves as a prelude to their study, Stastny and Tyrnauer provide an overview of the prison and review prior experiments in prison democracy. While their overview of prisons appears to be somewhat superficial, the authors' presentation and discussion of two key concepts pertinent to their case study is noteworthy. They introduce the concepts of the "interactive prison" and of "detotalization." These conceptual tools are interrelated and helpful to the reader in understanding the political and social context of the state of prisons in the 1970's. The authors point out that advances in communications technology that have affected the larger society have also affected and transformed the prison. The prison is no longer cut off from the larger community. The result is the interactive prison. The concept of detotalization refers to the process of change or transformation experienced by the traditional maximum security facility.

Part II of the book focuses on the case study and provides an excellent description and analysis of the reform setting, the reform itself, the impact it had on the prison, and the unintended consequences of the reform. The case study begins in 1970 (just prior to the Attica prison riot) when Dr. William Conte, Director of Institutions in the State of Washington, announced at a press conference that he would be initiating several prison reforms designed to humanize and improve the general quality of prison life for inmates incarcerated by the state. These reforms included expanding temporary release opportunities, abolishing censorship, expanding and improving telephone and visiting privileges, humanizing disciplinary procedures (e.g., eliminating the use of the strip cell), and, most importantly, formalizing and structuring the role of inmates in governing the prison. This last reform was achieved by providing for limited self-government. Conte, who was a proponent of participatory management, wanted to introduce a form of democracy to the prison setting. According to reports, he believed there was no better way to train people for living in a democracy than to provide them with the direct experience of its responsibilities and privileges.

This package of reforms supposedly signaled a new direction in the prison's management and represented a significant departure from long-standing prison procedures. There were reports that many of these re-

forms came as a surprise to both inmates and correctional officials responsible for the day-to-day operation of the prison system. These same officials and inmates, however, were given the responsibility for implementing the reforms. Approximately one year after the reforms were announced, Dr. Conte, their primary architect, resigned. The wheels of the penal experiment continued to turn even though its patron was gone. But as Stastny and Tyrnauer point out, there were larger social forces at work, complicating matters substantially. These included a changing political climate, the radicalization of inmates throughout the nation, and the changing nature of the status of the maximum security prison in society.

The concept of involving inmates in the government of the prison was carried out by establishing a resident governing council with eleven inmate members elected from the general population. The concept of an inmate council was based on informal practices the inmates had developed to handle and resolve racial conflicts among themselves. The immediate influence of the inmate council was significant, and it had tremendous impact on staff-inmate relations within the prison. The traditional staff-dominated patterns of control were altered. The staff no longer had a monopoly on authority. Many officials felt their power was slipping away. As staff members increasingly perceived the reform measures as threatening, a struggle for power ensued.

Ultimately, there was no contest. After a period of struggle, the state reasserted its "right" to govern, but this right was regained only at considerable cost. The net result was an escalation of the level of violence and alienation of both staff members and inmates. According to Stastny and Tyrnauer, this reform experiment had three consequences: (1) violence and suppression, (2) high turnover rates of prison staff, and (3) judicial involvement (based on allegations of cruel and unusual punishment). The experiment that had begun with such noble purposes had failed miserably, and the all-too-familiar cycle of reform and reaction, which seems to characterize correctional experiments, had occurred once again.

*Who Rules the Joint* represents a good example of the new genre of prison studies that focus on the prison as a conflict-ridden institution where a constant struggle for power occurs between the keepers and the kept. This book clearly contributes to our understanding of the contemporary prison and builds upon the recent work of Irwin in *Prison in Turmoil*, as well as that of others who have updated our knowledge of the contemporary prison. Their critical analysis of the social environment of the prison provides us with an insightful view of the prison based on conflict and struggle.

This book should be of interest to prospective prison reformers and

organizational change advocates, as well as those interested in the general study of the prison environment. For reformers and advocates of organizational change, the case study provides a blueprint for how *not* to introduce change into a prison environment. Moreover, this study underscores the difficulty of accomplishing reform within bureaucratic organizations and points out that good intentions can result in disastrous consequences. For persons interested in the general study of the prison, this book provides an informative assessment of a prison reform effort and its consequences, as well as an incisive look at the changing nature of the contemporary inmate subculture.

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THE KILLING OF BONNIE GARLAND. By *Willard Gaylin*. New York: Penguin Books, 1983. Pp. 355. \$6.95.

In the summer of 1977, Bonnie Garland, a young Yale student, was beaten to death by her boyfriend, Richard Herrin, as she lay sleeping, half-clothed, on her bed in her parents' elegant Scarsdale home. Herrin initially fled, but after driving around the countryside all night, he went to a Roman Catholic priest and confessed his crime. The priest took him to a police station, where he surrendered to the authorities.

Richard, a young Chicano from the barrio of Los Angeles and a graduate of Yale, received both financial and emotional support from the Catholic Church and hundreds of friends and acquaintances in New Haven. Richard pleaded not guilty by reason of insanity to a charge of first-degree murder. His trial resulted in a conviction for the lesser crime of manslaughter. Although Richard felt the sentence of eight to twenty-four years was too harsh, Bonnie's family and countless others were stunned that he had escaped the full penalty of the law. As Bonnie's mother stated after hearing the verdict, "[i]f you have a \$30,000 defense fund, a Yale connection, and a clergy connection, you're entitled to one free hammer murder" (p. 13).

Psychiatrist Willard Gaylin was also disturbed by the outcome of the trial. In his book, *The Killing of Bonnie Garland*, he skillfully uses the case of Richard and Bonnie as the basis for an inquiry into the workings of the present criminal justice system. Gaylin is bothered by the fact that Richard received the utmost in concern and sympathy from the court and the public, while Bonnie's fate was ignored. A young life was bru-

tally ended, yet the tragic loss seemed to play such a small part in the trial. Even the prosecution barely touched upon the terrible details of Richard's crime. The defense aired Bonnie's flaws and shortcomings in an attempt to make Richard seem a victim in his own right. During the trial, neither side said much about Bonnie's youthful potential, her exuberance, her first attempts at love. Gaylin observes that the question of guilt or innocence often becomes confused in the courtroom. Where is the horror, the sympathy for the victim? Where is the indignation toward a confessed killer? According to Gaylin, neither feeling seemed present in the courtroom when Richard Herrin was tried for the murder of Bonnie Garland.

Gaylin approaches his investigation of criminal justice by analyzing the Garland case from three different vantage points. He claims, "[T]he killing of Bonnie Garland was a tragedy, but a different tragedy when viewed from the different perspectives of religion, psychiatry, and the law" (p. 112). First of all, the religious connection was unique in this case. While Richard was out on bail and awaiting trial, he lived with a group of Christian Brothers at the LaSalle Academy in Albany, New York. There, he came and went as he pleased, taking classes at a nearby university. Although he remained in the custody of the Brothers, many people were outraged at his freedom and at the open support given him by the Catholic community.

Gaylin views the Church's role in the case from both a sociological and philosophical point of view. He investigates the structure of the religious community and finds it in conflict with the legal system. He feels that the Catholic Church interfered too directly in the workings of the justice system in this case. The Church, he argues, should not have offered such strong support for Richard's defense. The Brothers in Albany went out of their way to ensure Richard's comfort and freedom, allowing him liberties such as the opportunity to take college classes, and protecting him from negative reaction to his crime by sheltering him and speaking in his defense. In addition, clergy whom Richard had known at Yale spoke publicly on his behalf, and called for his exoneration. Perhaps the support for Richard was motivated by "Christian concern," but as Gaylin points out, "the Catholic Church is not a tribunal of justice" (p. 117).

The philosophical motivation for the actions of the Catholic community caused Gaylin some concern as well. Bewildered by the apparent disregard for Bonnie's premature and brutal death, Gaylin challenges the Church's notion of "hate the sin but love the sinner." Christians believe that God's mercy encompasses everyone, good and bad, saints and sinners. In fact, those who err need the most forgiveness. The good will be saved anyway. In Christian eyes, therefore, Richard



deserved forgiveness and solicitation, even more than the Garlands. Rather than criticizing these Christian ideals, Gaylin questions their direct application to the practice of justice. He wonders if the Christian Brothers' actions in this case crossed the line between church and state. According to Gaylin, the concern expressed by Richard's friends in the religious community was well-intended, but should have had no official place in the murder trial.

Second, Gaylin offers a view of the case from a legal perspective. He feels that the difference between guilt and innocence often becomes confused and distorted in the courtroom. Lawyers play at questions of guilt and innocence with seeming abandon. Gaylin examines the "adversarial credo" by critically assessing the lawyer's role in the legal process. The haggling, the plea bargaining, the deals, the tricks all become part of the lawyer's job. The question of the defendant's culpability gets lost in the courtroom banter. Gaylin credits Richard's expensive lawyer for his brilliant performance, while carefully pointing out the confusions and inconsistencies in the testimony. Gaylin charts the subtle rise of Richard to scorned hero and the concomitant dismissal of Bonnie and her tragic end. The conviction of Richard on the lesser charge of manslaughter was not the result of due process of law, Gaylin argues, but the dramatic finale of a masterfully staged courtroom performance.

Gaylin devotes the third part of his book to the involvement of psychiatry in law. He examines Richard's psychological profile and diagnoses him as "not crazy" and thus concludes that he should not have been acquitted by reason of insanity. As he believes Richard was and is sane in the legal sense, Gaylin questions the influential role of the psychiatrists at the trial. He uses trial testimony to point out the discrepancies between psychiatric knowledge and the use of psychiatrists as courtroom experts, challenging the validity of psychiatric testimony in a court of law. Too little is known about the actual workings of the human mind, Gaylin argues, to allow these marvelous "storytellers," as he calls his psychiatric colleagues, to influence the outcome of a criminal case.

*The Killing of Bonnie Garland* has appeal because of the sensational nature of the case. The murder of a wealthy college student by her boyfriend intrigues a society perversely drawn by the horror of the mutilation of a young and beautiful female body. But more importantly, Gaylin effectively underscores the current problems of the criminal justice system. In this clear and well-written account of the Bonnie Garland case, Gaylin attributes much of the muddled dispensing of justice to the manner in which criminal trials are conducted. In this case, an excessive amount of influence from psychiatrists and clergymen contaminated the judicial process. Gaylin warns that we must reassess a judi-

cial system that is flawed enough to allow such a case to be resolved in this manner.

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THE LAW OF PROBATION AND PAROLE. By *Neil P. Cohen* and *James J. Gobert*. New York: McGraw-Hill Book Co., 1983. Pp. 837. \$75.00.

Two professors of law from the University of Tennessee have compiled this thorough resource text. The book is of potential value to defense attorneys, court administrators, institutional administrators, and field-level adult probation and parole officers. The price is high, but the book is up-to-date and very useful. This book offers defense lawyers strong arguments to use in their representation of defendants or inmates in all proceedings associated with sentencing, probation, and parole. Courts and their agents, the probation and parole officers, will learn which court orders or conditions are reasonable and supported by case law. The authors explain how to, in theory, utilize the Interstate Compact and how the legal process of revocation should work. While not totally balanced, the book is comprehensive.

The index itself and the sheer number of footnotes filled with case citations (691 in one chapter) are indicative of this work's overall comprehensiveness. Separate indexes of cited cases, state statutes, federal statutes, books and articles, American Bar Association standards, and various model penal codes fill the final 102 pages. The text is gratifyingly free of legal jargon. Most topics are well presented in succinct paragraphs that address several views or facets of each issue.

The book has two material weaknesses. The concerns of juvenile courts and their probation officers are virtually forgotten. In the introductory section on the history and philosophy of probation and parole, the existence of probation, institutional, and parole services in the juvenile system is scarcely mentioned. Fortunately, most of the material in the book is still relevant to the juvenile court system. The second point of imbalance is the magnitude of attention the authors pay (six chapters—285 pages) to the revocation issues.

The strong points, however, are more significant. The authors comment on shock probation, as practiced by Texas and Ohio; the practice seems worthy of systemwide consideration. The theoretical bases of probation are honestly addressed; the authors acknowledge that rehabilitation is not the only goal and is often not accomplished by the proba-

tion opportunity. All elements of a good presentence report are carefully reviewed in the section on "Probation Granting." This section even examines the idea of including the victim's preferred sentence in the investigative report. Probation officers are provided with a list of reasonable and unreasonable conditions or restrictions with which to guide clients' activities. Future trends are also concisely commented upon. The publishers deserve credit as well for producing a book that is well laid out and easy to read. The authors have succeeded in producing a handy resource/guidebook that should well serve many levels and types of criminal justice professions until changes in case law warrant a second edition.

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MARXISM AND LAW. By *Hugh Collins*. New York: Oxford University Press, 1982. Pp. 159. \$19.95.

Critical criminologists, in recent years, have entered the debate concerning the nature and origins of law in society. Marxist criminology, having fully emerged in the United States during the 1970's, has provided some alternative views concerning law.<sup>1</sup> Unfortunately, debates on the subject of law between traditional criminologists and "critical" criminologists have not materialized to a great extent.<sup>2</sup> Perhaps one problem, among many others, is that the paradigm each makes use of precludes acceptance of common background assumptions. Debates within a paradigm and debates between theorists from different paradigms, then, often materialize in their most colorful form when the focus is on these underlying assumptions. Hugh Collins' book, *Marxism and Law*, clearly delineates the controversies within the Marxist paradigm. While helping to clarify some of the debates for those within the Marxist criminology paradigm, this treatise also, in an exceptional manner, en-

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<sup>1</sup> For a good collection of critical writings on law, see MARXISM AND LAW (P. Beirne & R. Quinney eds. 1982); see also Milovanovic, *The Commodity-Exchange Theory of Law: In Search of a Perspective*, 16 CRIME & SOC. JUST. 41 (1981) [hereinafter cited as Milovanovic, *The Commodity-Exchange Theory of Law*]; Milovanovic, *Ideology and Law: Structuralist and Instrumentalist Accounts of Law*, 10-11 INSURGENT SOCIOLOGIST 93 (Summer-Fall 1981) (a review essay).

<sup>2</sup> For interesting discussions that have addressed this subject, see R. UNGER, *LAW IN MODERN SOCIETY: TOWARD A CRITICISM OF SOCIAL THEORY* (1976); Trubek, *Complexity and Contradiction in the Legal Order: Balbus and the Challenge of Critical Social Thought About Law*, 11 LAW & SOC'Y REV. 529 (1977).

ables interested non-Marxists to become acquainted with the central themes in this literature. In fact, this book's ability to acquaint and familiarize a wide audience with some of the key arguments within this perspective is its greatest asset.

Traditional approaches in the analysis of law have several major foci. First, the legal order is seen as autonomous, as independent from the influences of any one particular group. Second, a formal body of laws is promulgated that affects all persons equally. Third, a form of reasoning exists in which precedent is the underlying foundation of legal thought. Finally, laws are written so that all can understand; they thus provide predictability, calculability, and order. Together, these principles comprise "the rule of law," or "formal legalism."

These principles are challenged, however, by Marxist criminologists. Collins ably presents and dissects contemporary arguments from this school. As he puts it, "[m]y approach has been to describe what I believe to be the most coherent insights into law put forward by Marxists and then to subject them to criticism" (p. v). His intended audience includes "students of law and jurisprudence" as well as "sociologists, political theorists, and persons generally interested in Marxism" (p. v). This short book should prove to be one of *the* primers for this wide audience in that it presents key arguments critically. More conventional lawyers, for example, although likely to reject many of the arguments made, probably will come away from reading this with greater vistas and new insights; at a minimum, the book forces the reader to enter into a critical dialogue with the themes presented. And this is precisely what is intended.

The author has selected five key themes in the Marxist perspective on law. Each is critically examined. For theorists more familiar with the arguments, the book provides excellent clarification.

The first theme discussed focuses on the instrumental character of law. Is the law only an instrument of class oppression? Does it simply reflect the interests of a conspiratorial elite class? Is law simply the expression of the will to exploit? Collins argues that it is not. First, he questions whether a homogeneous elite exists. One must first show, he argues, how a "class" becomes aware of itself having "objective" class interests. Second, many laws clearly do not serve the interests of elites directly. How can an instrumental Marxist explain this? Once one acknowledges that some laws do not reflect the interests of an elite group, one must then ask the question, To what degree is the legal order autonomous? Hence, on one end of the spectrum, the legal order can be seen as completely independent of class interests; on the other end, completely dependent on the will of the ruling class. Many critical criminol-

ogists have opted for a middle position called "relative autonomy." This idea leads to the second theme.

If one argues that examples can be found to support the "relative autonomy" position, Collins states, then one must also explain the determining factors. The second theme of the book, then, discusses some of the arguments made for relative autonomy. Collins states that the critical factor that must be explicated, in order for a complete understanding of the development of consciousness of those who are said to be from the ruling class, is ideology. Summarizing some Marxist positions, Collins states, "men must use ideological frameworks in order to interpret the material world. These ideologies act as grids for analysing experiences" (p. 38). Hence, he argues, one may demonstrate the coherence of the class instrumentalist explanation of law as due to the ruling class members' sharing of "common perceptions of interests as a result of similar processes of socialization and experiences of productive activities" (p. 40). The danger of this argument, of course, is in its tautological implications.

An alternative argument for the effects of ideology comes from structuralist Marxists. They argue that core ideologies are developed from the exchange of commodities; that is, notions of free will, property, contract, and personality can be traced to the effects of continued exchange of commodities in the marketplace. Collins's view is that there is no need to assume that the ruling class is aware of its objective interests, only that the "relations of production" entered into by different subjects in a social formation determine how they experience reality, and this in turn generates a world view that is embodied in the dominant ideology. This becomes a taken-for-granted background ideology out of which notions of fairness, equality, and justice emerge. Thus, for example, notions of free will, responsibility, and causation are more likely reduced to the activities of a subject. External factors are minimally implicated. All this is determined by a system of production which requires upwardly mobile, egoistic, and competitive subjects if the economic system is to continue in its present form (for example, note that with few exceptions, we in the United States do not have "good samaritan" laws which are based on an ideology of altruism).

Another factor that tempers the effects of class rule, according to many Marxists, is class conflict (for example, in primitive forms such as union activity), which provides counterideologies, some of which find their way into law. The Marxist dilemma here, according to Collins, is that some laws seem inherently good in that greater civil liberties result. Thus, to unqualifiedly attack all laws as repressive leads to the continuation of repression, until, apparently, the arrival of the revolution. The question then is, What is to be done? Work within the system to change

it? Or work outside the system to undermine it at its roots? By working within the system, one risks being co-opted by it and is in danger of legitimating existing structures. By working outside the system, one procrastinates while human suffering and denial of rudimentary civil liberties continue. By participating from the outside, moreover, one is in danger of becoming categorized, in extreme cases, as deviant and, hence, legitimacy is undermined.

The third theme of Marxist criticism that Collins examines involves the "base" and "superstructure" metaphor. In an oft-quoted passage of Marx, it is said that a mode of production (the method by which goods are produced and distributed in a society), that is, the economic base, "determines" such things as social consciousness.<sup>3</sup> Further, rising above economic structures—the "real foundations" of society—are the legal and political superstructures. The critical question, according to Collins, is, To what extent is there correspondence between the two? Is the legal structure—the legal order, definitions of crime and law, and the criminal justice system—simply reflecting the dictates of economic imperatives? Does the base constrain or predict the legal structure entirely? According to Collins, the "distinctions between base and superstructure break down under close scrutiny" (p. 87). Again, he advocates the relative autonomy view. Legal rules can reflect relations of production as well as constitute them (p. 87). Thus, in his desire to escape criticisms of economic reductionism, Collins posits the idea that laws develop not only out of the relations of production, but also from superstructural practices. Ideology, again, is said to be the social mechanism through and by which the content of law is filled. In somewhat unclear language, Collins argues that "the connection between base and superstructure is one of ideological derivation and incremental growth" (p. 89). Perhaps Collins means that the dominant ideology is produced by the relations of production, that is, by the specific everyday patterned practices that subjects engage in a particular mode of production. (Marxists specify several modes of production, including slavery, feudalism, capitalism, and socialism.) Laws, in turn, "constitute, define and express the relations of production" (p. 89). This whole process is "cumulative" rather than "circular" according to Collins.

This section of the book has some problems worth noting. First, Collins' discussion here muddies the waters. In his haste to escape the pitfalls of economic reductionism, he becomes prey to tautological argumentation as well as to a multiple-factor approach without a clear specification of the variables that contribute to existing variances. A clearer

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<sup>3</sup> See K. MARX & F. ENGELS, 3 SELECTED WORKS 503 (Moscow: Progress Publishers, 1969-1970); see also MARX AND ENGELS ON LAW 48-61 (M. Cain & A. Hunt. eds. 1979).

and more convincing argument has been provided by Williams,<sup>4</sup> who states that there are two ways we can define "determine": (1) in the sense of prediction (i.e., some antecedent factor totally "prefigures," or controls, a subsequent activity), or (2) in the sense of setting limits (i.e., by exerting pressure). Williams opts for the second meaning. One is still required, however, to quantify degree of pressure. Alternatively, some Marxists, including Althusser, have argued that the economic base is determinative "only in the last instance."

Second, one is quite surprised to find that the question of legitimation and legitimization crises<sup>5</sup> is not adequately discussed. This question, in recent years, has become central in the analysis of institutions and other societal phenomena.

Third, more difficult questions arise as one acknowledges present day Western capitalism for what it is: not competitive and laissez-faire, but monopoly and state regulated. This critically alters *any* discussion of law. For example, present day rights cannot be simply traced to commodity-exchange. Rather, in present day capitalist systems, given rights are more likely the end result of "balancing" formulas. Theorists such as Unger,<sup>6</sup> Klare,<sup>7</sup> and Turkel<sup>8</sup> have shown how present day laws are no longer formal/logical rational in the Weberian sense, but *substantive* rational. Many contemporary Marxists have argued that increasing legitimation crises tendencies in late capitalism necessitate more direct intervention by the state. One need only recall the Lockheed or Chrysler loan guarantee decisions, in which the United States government bailed out large corporations with government funds, to note the new interventionist approach.

Fourth, in presenting the key themes of present day Marxist accounts of law, Collins overlooks another crucial discussion presented by structuralists. These theorists argue that at least three relatively independent and autonomous levels exist—economic, political, and ideological—each of which affects the others, and which is in turn affected by the others. To understand the form and content of law, then, one must specify how the three practices are articulated. Put in another way, one must explain how the interpenetrating effects of each practice produce a particular configuration of forces.

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<sup>4</sup> R. WILLIAMS, *MARXISM AND LITERATURE* 87 (1977).

<sup>5</sup> See, e.g., J. HABERMAS, *LEGITIMATION CRISIS* (1975); Friedrichs, *The Legitimacy Crises in the United States: A Conceptual Analysis*, 27 SOC. PROBS. 540 (1980).

<sup>6</sup> R. UNGER, *supra* note 2.

<sup>7</sup> Klare, *Judicial Deradicalization of the Wagner Act and the Origins of Modern Legal Consciousness, 1937-1941*, 62 MINN. L. REV. 265 (1978).

<sup>8</sup> Turkel, *Rational Law and Boundary Maintenance: Legitimizing the 1971 Lockheed Loan Guarantee*, 15 LAW & SOC'Y REV. 41 (1981).

Finally, although Collins does note the dynamics of class struggle, one is somewhat surprised by the lack of reference to specific dialectical developments. One critical development he does recognize, however, concerns praxis: Should praxis-oriented reformers attempt to work inside the system, or from the outside? One would have liked to have seen an historically sensitive analysis of struggles that did in fact change law (for example, the black civil rights movement of the 1960's in the United States), and of whether, in the long run, these changes were in fact supportive of increased civil liberties, or whether they legitimated further repression, as Freeman argues.<sup>9</sup>

The fourth theme of the book concerns the idea of "the withering away of law." This situation would develop, according to some Marxists, when capitalism is replaced by a more humanistic mode of production. Collins identifies three separate approaches to this concept. The extreme position is taken by Marxist theorists who posit an instrumentalist theory of law. If all laws are simply reflections of the will of the ruling class, or if laws simply reflect the economic base, then when the revolution comes, they argue, laws will no longer be necessary. This is because no ruling class will exist and because the mode of production will have relations of production that are cooperative, altruistic, and solidaristic, in which a new humanistic instinct will guide man. This first approach Collins calls "scientific socialism." He argues that this view "smacks of anarchism" and relies on "a naive belief in the ability of men to act justly and to cooperate without coming into conflict occasionally" (p. 104). Unfortunately, this is a rather premature dismissal. Collins precludes this debate at a time when it should be developed. His contention is based on a truth-claim—the natural, hostile man—rather than on reasoned, historical analysis. Anthropological studies amply report alternative models of cooperation and conflict regulation. Few Marxists would argue that in the "good" future society, no conflict whatsoever would exist; rather, the debate would then switch to alternative forms of resolving disputes (for example, mediation, arbitration, community-moots, and neighborhood justice centers).

A second approach, according to Collins, has been specified by Pashukanis. For Pashukanis, law is not simply an instrument of class oppression, but rather functions to vindicate rights that emanate from commodity exchange, an approach called the "commodity-exchange theory of law."<sup>10</sup> The implication of his view on the idea of the wither-

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<sup>9</sup> Freeman, *Legitimizing Racial Discrimination Through Antidiscrimination Law: A Critical Review of Supreme Court Doctrine*, 62 MINN. L. REV. 1049 (1978). Julia and Herman Schwendinger have completed a recent study sensitive to these dilemmas. See J. AND H. SCHWENDINGER, *RAPE AND INEQUALITY* (1983).

<sup>10</sup> See generally Milovanovic, *The Commodity-Exchange Theory of Law*, *supra* note 1; see also



ing away of law is that once a system of production based on the exchange of commodities disappears, so will law. Collins criticizes, justly, the narrow definition of law that was developed by Pashukanis.

The third approach focuses on the estrangement principle. Men and women, in a capitalist mode of production, work in an alienating environment that deprives them of fulfillment, and any opportunity to self-actualize; hence, alienation felt at the workplace becomes alienation from self and others. Moreover, workers in the factories are treated as individuals in law. Any potential movement toward cooperative activity is thus undermined. The implication is clear: if workplaces were not alienating and did not contribute to estrangement, then a subsequent, alternatively developed ethic of cooperation would make law redundant. Collins again argues that the view that no conflict will exist is "utopian," "unrealistic," and "naive." Again, he overlooks alternative systems of conflict regulation that are not necessarily based on a system of formal laws. Admittedly, the efficacy of such systems is somewhat problematic.

Collins concludes that none of these three approaches convincingly demonstrates the withering away of law thesis. In a final section, Collins discusses theorists who have drawn out the implications about human nature found in the early writings of Marx. Collins counters those who believe in the innate goodness of man with the statement that "there will always remain certain fundamental norms of behavior in any civilized community which may have to be articulated and defended by institutions analogous to courts" (p. 122). If, for the sake of argument, one accepts this necessity, then it would seem that one needs to explain at least two things. First, in what *forms* can "fundamental norms" appear (for example, written? custom? informal?)? Second, what forms can dispute-settling institutions take (for example, mediation or neighborhood justice centers)? Collins seems to have a narrow view of alternative possibilities in both cases.

The final theme of the book brings out the dilemma faced by those who advocate radical change. It centers on "the rule of law" and the potential for expanded civil liberties engendered by praxis. At one end of the spectrum, Collins states, reformists see the legal system as a neutral instrument to be used for rational, logical changes bettering mankind. At the other end of the spectrum, for those who assume an instrumentalist view of law, it is said that by participating in the legal system for change, one betrays one's class because the legitimacy of the legal order is taken for granted rather than challenged. Collins refers to

this dilemma as the "radicals' predicament." What is the correct approach? He argues that "any practice or claim which serves to buttress the belief in the autonomy of legal reasoning must be demystified" (p. 140). This, then, must be the principal goal of Marxist jurisprudence. The initial rights to be extended, in Collins' view, are those in the workplace (p. 142). Certainly, the workplace is ripe for critical analysis. Although citizens enjoy many constitutional rights, these same constitutional rights are severely restricted in the workplace. Free expression, the right against unreasonable search and seizure, the right to a hearing in order to respond to one's accusers (for example, when a worker is fired or laid off)—all are dramatically diminished in the workplace. Unfortunately, Collins leaves us here. Certainly, in the short run, any laws that expand civil liberties are inherently good. However, one must not overlook long-range effects. Discussions of legitimation and legitimation crises, substantive inequality disguised by notions of equality for all, and how alternative humanistic ideologies can enter lawfinding and lawmaking practices are all necessary and would have improved the book.

In sum, Collins' book provides much material for lively debate. The reader can expect to be engaged in heated but always interesting dialogue with this book. Non-Marxists certainly will be stimulated, even in positions of strong disagreement. In a word, this controversial book will challenge both theorists and practitioners from competing paradigms to think more deeply about the development and practice of law.

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AMERICAN COURT MANAGEMENT: THEORIES AND PRACTICES. By *David J. Saari*. Westport, Connecticut: Quorum Books, 1982. Pp. xviii, 163. \$27.50.

When a new profession emerges, it offers a unique opportunity for those interested in the sociology of knowledge to observe the process of developing a body of theory and applied knowledge. The profession of court administrator is only fifteen to twenty years old, and is still very much in its process of formation. Friesen, Gallas, and Gallas reflected the primitive state of the art just over a decade ago in their groundbreaking text in this field, *Managing the Courts* (1971). Knowledge based

both on court research and the actual experience of court administrators in action has grown rapidly in the intervening years. David Saari's book is, in this reviewer's estimation, the most important single contribution to the field of court management since the early work of Friesen, Gallas, and Gallas.

Saari's book is important for at least three major reasons. First, it does a thorough and effective job of organizing a growing body of knowledge in court administration. The bibliography alone is a good beginning point for any serious student, observer, or practitioner. Second, it describes the history, current status, and possible future of the profession, although this last is the book's weakest element. Third, and most important, the author synthesizes theories of management and relates them to practice in the courts. As Saari observes, most of the growth in court management has occurred in the field and with operating staff, while theories of court management have been slow to develop (p. 57).

The court manager is by definition one who is supposed to "manage" the operation of the courts. Many observers and practitioners have questioned whether this is possible; some practitioners, bogged down in the crises of court backlogs, political struggles, and daily mundane problems, have found it difficult to imagine an effective management perspective working in the courts. Variables of court size, structure, case load, geographic jurisdiction, personnel, "local legal culture," and local political realities must all be taken into account in the process of management. Moreover, as Saari observes, the courts are unique in that "no other organization or position . . . combines elected status, professional status, and co-equal status (of judges) into one job and then puts similar positions together in one group. The rare independence and power of the judicial position make for a very unusual management situation" (p. 54).

In the face of this reality, Saari argues persuasively that managerial theory can be applied effectively to courts in spite of their uniqueness and complexity. Saari describes four major schools of management thought—the bureaucratic school, the human relations school, the systems school, and the contingency school—and discusses applications of each to the problem of court management. It is clear, however, that the contingency perspective, with its "no-best-way philosophy," is the one Saari believes most helpful. The major premise of the book is that "courts cannot be structured or managed in one best way" (p. 16).

The fact that there is no "best" way leaves the problem of management back on the court administrator's lap. Saari effectively argues that the manager's job is precisely to think managerially in a setting that, because of its uncertainty and complexity, requires the very best of man-

agerial attention. The author does provide some conceptual tools from the management literature to aid in this effort. After describing the four schools of management, Saari examines conceptual areas of management concerning structure, effectiveness, human factors, change, communication, decisionmaking, and leadership. These concepts are then applied to major operational areas of court management including case flow, personnel, finance, records, and organizational approaches. The author then examines policy issues pertaining to speedy trial, jury trials, right to counsel, and affirmative action/equal opportunity, and discusses the relationship of management to policy formulation.

This work's most important contribution is that it simultaneously debunks the myth that there is or ought to be one way to do things right, and encourages court managers to accept the newly defined management challenge. Saari argues that courts with defective management are likely to produce substandard justice. He thus calls on court managers to accept responsibility for the quality of justice in the institutions they manage.

Crisis management and crash programs are, for Saari, symptoms of "bankrupt court management," and he argues that "sensing trouble before it looms over the horizon is a critical art of management in a turbulent environment" (p. 142). This reviewer does not disagree with this perspective, but would have liked the author to include some helpful discussion of ways to get judges to believe and act on this view. The manager who bears the bad news runs the risk of being treated not unlike the legendary messenger in ancient Greece. This is just one of many areas that subsequent contributors to the field of court management can develop. The whole area of court planning, also in its infancy, which aids the court manager in his or her informational role, needs further explication through the same theoretical framework employed by Saari.

The power of this book, as with theory generally, lies in its ability to explain. As this reviewer digested the pages of this book, countless past events and experiences in the administration of a large urban court came to mind and were understood in new ways. Saari comments that "the purposes of this book have been served if it stimulates some thinking" (p. 126). In this reviewer's estimation, by that measure as well as others discussed herein, the book has indeed served its purpose and will continue to do so for some time to come.

This work is highly recommended for those who are interested in the sociology of knowledge, persons engaged in court research, graduate students of court administration and public administration, court ad-

ministrators and planners, as well as lawyers and judges interested in, or engaged in, court management.

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CORPORATE AND GOVERNMENTAL DEVIANCE: PROBLEMS OF ORGANIZATIONAL BEHAVIOR IN CONTEMPORARY SOCIETY (2d ed.). Edited by *M. David Ermann* and *Richard J. Lundman*. New York: Oxford University Press, 1982. Pp. 294. \$7.95.

The second edition of this anthology is even better than the first, which was very good indeed. This fact is a tribute not only to the skill and judgment of the editors, but also to the substantial progress made in studies of corporate and governmental deviance over the few short years since the first edition. Not only has there been a rash of studies concentrating on the sources of corruption in corporations and government agencies, but these years have also seen a significant development in the conceptualization and analysis of the problem. At a time when so much of our work seems to have lost its intellectual edge, it is heartening to see these critical social issues handled with such vigor and insight. The book is specifically aimed at courses in social deviance, social problems, criminology, organizations, business and society, and the like, where it should prove to be very useful.

The editors have divided the work into five separate sections, each prefaced by introductory remarks overviewing the material that follows. The book begins with an examination of recent literature dealing with the origins of corporate and governmental deviance. This approach tackles the difficult problem of demonstrating to the uninitiated reader that large organizations are acting units with a life of their own, wholly apart from the individuals moving into and out of the positions comprising the organization. This must be realized at the outset if we are to avoid making scapegoats of particular individuals and, instead, focus on the policies, opportunities, socialization strategies, communication processes, and other systemic characteristics that are ultimately responsible for producing the organization as habitual criminal. In their discussion of the sources of organizational deviance, the editors point out that it is possible for individuals within organizations to do their jobs well and still produce a deviant result. This occurs partly because few have access to the large picture that incorporates all the smaller parts. The

editors demonstrate how deviant activity is sometimes as much the result of incidental and unintended acts on the part of organizational elites as it is the outcome of careful premeditation. In a few pages, they highlight some of the most serious financial, medical, emotional, and social consequences of organizational deviance. The editors then describe the process of social definition through which alternative data and interpretations determine the way in which the public judges the organization in question.

One of the greatest strengths of this book is its judicious use of illustrations. They tend to be fairly dramatic without oversimplifying the interrelated activities producing the organizational deviance. The "Origins" section is introduced, for example, by an examination of the Watergate episode. The complicated scenario is clarified by a sort of flow chart taking the reader from May 1969 through June 17, 1972, the date of the second (and fatal) Watergate break-in. One can see the slow, step-by-step process building up to and rationalizing the event, and the way in which individual actors were tempted, dragged, or misled by the tide of events and by others who pulled strings connected to other strings.

In the second section, the editors examine the factors at work in such situations, including differential association, techniques of rationalization and neutralization, and the force of employee loyalty. This section also contains an excellent article by Coleman that traces the emergence of large organizations and our gradual recognition of them as fictional persons writ large. This is followed by Sutherland's now classic analysis of white collar crime as organized crime much like professional theft but with the advantage of increased rationality. Next comes an excerpt from Sherman's larger study of police corruption, showing the difference between deviance committed *in* organizations and deviance committed *by* organizations, while also distinguishing the actual choice of deviant organizational goals by those in control from the use of deviant means to achieve legitimate goals. In another excellent selection from a larger work, Clinard and Yeager describe the way in which prevailing standards and expectations in certain industries combine with selection and socialization processes so as to render organizational deviance normative practice.

The third section is devoted to consideration of introduction and institutionalization processes. Vandivier provides an insider's description of the falsification and subsequent coverup of test results that led to B.F. Goodrich's release of an unsafe aircraft brake. This is followed by Geis' well-known analysis of the heavy electrical equipment price-fixing scandals aired in court in the 1960's. The next two articles draw from a Presidential commission report detailing over twenty years of mail inter-

ception by the CIA, and a summary of the Knapp Commission's report on corruption in the New York City police department. The pattern is now fairly clear to the reader, and is difficult to follow without a rising sense of outrage.

Some of the results of organizational deviance are brought closer to home in the next section on "Consequences." It begins with Johnston's graphic description of the emotional experiences surrounding a plane crash caused by a defective cargo door on a C-10 carrying 346 passengers, followed by a wrenching account of the thalidomide babies, by Knightley, et al. Last is a Senate Select Committee on Intelligence report detailing the infiltration of women's groups, student activist groups, and even an elementary school Halloween party by the FBI, CIA, Army intelligence, and other agencies, along with governmental attempts to discredit such figures as Martin Luther King.

The book ends with a section on "Reactions." Included are descriptions of the political maneuvering and public relations manipulations that ensued in the wake of the Santa Barbara oil spill (Sethi), the apparent cover-up of the thalidomide-like effects of the drug Bendectin (Dowie and Marshall), and the ineffective "slap on the wrist" responses made to corporations and municipalities proved guilty of exposing workers and residents to highly toxic pesticides such as Kepone (Stone). A volume like this is refreshing because it faces major issues of the time, pulls no punches, and remains wonderfully free of jargon. Its only shortcoming occurs in the few pages addressing the labeling perspective. After being immersed in the intense pain of the victims of corporate and governmental deviance, it is jarring to see such crimes compared analytically to relatively "victimless" offenses such as prostitution or marijuana use. We may need less of Becker here and more of Mills and Gouldner.

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CONNECTING LAW AND SOCIETY: AN INTRODUCTION TO RESEARCH AND THEORY. By *Robert L. Kidder*. Englewood Cliffs, New Jersey: Prentice-Hall, 1983. Pp. 286. \$20.95.

*Connecting Law and Society* focuses on the study of law as an integral part of the social condition. Eschewing the view that law is a separate and isolated aspect of society, Robert Kidder states that research and theory concerning the law must take a sociological approach. The au-

thor succeeds in giving the reader a strong sense of the breadth and depth of the sociology of law.

Kidder's rejection of legal formalism reveals his concern for answering a variety of social scientific questions on legal issues. His broader view thus established, the author attempts to answer questions such as "why societies have legal systems, what conditions lead to the development of law in a society, and why societies differ so greatly in the ways they handle what we call 'legal questions'" (p. 7).

The movement toward a sociological approach to the study of law is discussed, and the parameters of the field are defined for the reader according to the historical development of legal sociology. A close reading of the initial chapter is vital to obtaining a clear understanding of the author's approach to the study of law. His preference for a critical approach is explicitly stated, and it is to Kidder's credit that his perspective does not color the tone and emphasis of the book to an excessive degree.

The author thoroughly reviews the basic concepts and issues involved in the study of law and its relation to society, and immediately raises the question, What is law? Kidder's discussion of the complexities and consequences involved in defining law is interesting. However, the beginning reader in legal sociology would likely find this section less than satisfying. Although it is true that one universally applicable definition of law does not exist, some would feel more comfortable with an operational definition after reading this chapter. In fact, Kidder's call to maintain total relativism on this question may leave even the more knowledgeable reader without a firm grasp on a workable definition of law.

Three social science approaches to studying law are presented—custom, structuralism, and the critical perspective. Each perspective is an attempt to investigate the origins of law and legal systems and to discover why certain systems develop in some societies and not in others.

Those forwarding custom-based theories argue that law has its roots within the customs of society. The structuralist sees law as one element of social structure, deriving its characteristics from the functions it must serve in society. Critical theorists view law as "one of many arenas of conflict in which established structures tending to favor the 'haves' battle against 'have nots' who are seeking to improve their status" (p. 36). The approaches are reviewed historically and the strengths and weaknesses of each view are analyzed. Kidder's application of each approach to actual legal situations and case studies is a valuable learning tool. Care is taken to explain the importance each approach has for research and theory on law, and the reader soon develops a framework



with which to process subsequent information in the book. The chapters dealing with this material are among the best in the book. They are well written, concise, thought-provoking, and interesting to read.

The subsequent chapters discuss some of the specific research questions addressed by social scientists. Kidder identifies a characteristic division in studies of legal sociology—legal impact, and legal disputes and lawsuits. The former category involves the outcomes that result from the implementation of legal decisions made by people “at the top.” The latter approach to the study of legal process utilizes the research traditions of game theory and strategy analysis, cultural anthropology, and legal complexity and court functioning. The author’s exposition of dispute settlement, as well as his analysis of the major sources of conflict in American society, is very enlightening.

One issue of concern to social scientists and the general public alike is the current campaign to simplify the law. Kidder discusses the feasibility of “turning back the legal clock” (p. 184). The reader soon develops a better understanding of why there seems to be little that can be gained from reforms aimed at simplifying justice.

Kidder next provides a thorough and provocative discussion of the legal profession in the United States and abroad. He focuses on the “stratification [found] within the legal profession and between lawyers and others in society” (p. 8). The issue of the accessibility of justice, and its relationship to this professional stratification, lends support to Kidder’s belief in the critical approach to theory and research. This section includes a discussion of the *pro bono publico* movement of the 1960’s and 1970’s in the American legal profession. The barriers to success are clearly outlined, and the reader gains a better understanding of the problems the poor face in obtaining high quality legal advice.

The final chapter investigates the notion that there is a psychological basis for law. It is, of course, left to the reader to decide whether psychology can aid us in understanding the social complexities of law, but the various theories reviewed by the author are of questionable utility. The idea of morality and justice thinking is an interesting one, but the discussion is not particularly helpful. Social psychologists working in this area have been unable to explain patterns of legal development as consequences of some general theory of psychology.

This book makes a positive contribution to our understanding of the sociology of law by providing a survey of the state of the art in the field. *Connecting Law and Society* would be an appropriate text for undergraduates in an introductory level class. The heuristic approach taken by the author encourages the reader to think about and apply the ideas discussed in each section.

This well-written work attempts to raise questions in the mind of the reader, rather than provide definitive answers to the issues presented. A novice in the field of legal sociology might be perturbed by the lack of a concluding chapter in the book. The absence of such a summation is a notable problem, given the audience at which the work is apparently aimed.

*Connecting Law and Society* has value, however, as an impetus to further research and theorizing in the sociology of law. Though it might have benefited from some changes in organization, this work generally lives up to the standards its author set for it.

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UNDER THE GUN: WEAPONS, CRIME AND VIOLENCE IN AMERICA. By James D. Wright, Peter H. Rossi, and Kathleen Daly. New York: Aldine Publishing Company, 1983. Pp. 342. \$24.95.

*Under the Gun*<sup>1</sup> is one of the most recent and significant contributions to the voluminous literature on gun violence and gun control. The authors' purpose was to take stock of the available fund of knowledge, and the book is essentially a review and analysis of relevant studies published up to early 1982. The initial impetus for this effort was provided by a 1978 grant from the National Institute of Justice. The grantors should not be disappointed; this is an excellent work.

The authors note that many of the studies made in this area seem intended to persuade rather than inform, and they are equally critical of the claims put forth by both sides in the gun control controversy. Especially noteworthy are their criticisms of Newton and Zimring's oft-cited *Firearms and Violence in American Life*.<sup>2</sup> Many of Newton and Zimring's conclusions do not hold up under the authors' close scrutiny.

There are few surprises in the chapters on the number of guns in civilian hands, public opinion on gun control, state and federal firearms laws, and the amount of violent crime. The most valuable and interesting sections are those that challenge many of the "common sense" assumptions about guns and violence. For instance, the authors conclude

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<sup>1</sup> This book is a slightly modified version of J. WRIGHT, P. ROSSI & K. DALY, *WEAPONS, CRIME AND VIOLENCE IN AMERICA* (1981) (National Institute of Justice publication).

<sup>2</sup> Newton and Zimring's work constituted a staff report to the National Commission on the Causes and Prevention of Violence.

that there is no persuasive evidence that: (1) there would be fewer homicides if firearms were less generally available; (2) gun ownership is per se an important cause of violence, (3) higher rates of homicide in the southern United States and certain other nations are due to higher rates of gun ownership, (4) private ownership of firearms is an important deterrent to crime, and (5) all other things being equal (for example, assailant intent), gun assaults are more lethal than attacks with other weapons. Further, these writers dismiss the popular "fear and loathing" hypothesis that attributes most of the increase in firearms sales to fear of crime, minorities, and civil disorder. They see the basis for most of this increase in more benign trends, such as greater participation in hunting, targetshooting, and collecting.

Given the current controversy over stricter handgun controls, more extensive analysis limited solely to handguns would have been welcome. Nonetheless, this book still contains the most current, comprehensive, and insightful treatment of handgun ownership, use, and crime available. Two of the more interesting findings are that handguns are as likely to be owned for sport and recreation as for self-protection, and that it is not at all clear that "Saturday Night Specials" are over-represented among crime guns as compared to guns not used in crime.

In general, the bulk of the work indicates that most of the assumptions of both those who favor and those who oppose new firearms controls are supported by little or no consistent, reliable evidence, and that our gun control policies are being made in an information vacuum.

In the final chapter, the authors abandon their agnostic tone and share some of their conclusions regarding gun control policy. They found that the more they explored the implications of the case for gun control, "the less plausible it became," and that there is more than a little truth to the oft-criticised aphorism that "when guns are outlawed, only outlaws will have guns." These social scientists see little hope for solving the problem of heat-of-passion homicide through firearms control laws, and suggest that we need to consider the broader and more fundamental problem of interpersonal hatred. They suggest that banning handguns could make things worse, rather than better. This is because of the possibility that assailants would substitute the more deadly, and almost as concealable, sawed-off shotgun. Overall, the authors conclude that the prospect of ameliorating criminal violence through stricter civilian gun controls is dim.

*Under the Gun* is an evenhanded, clearly and intelligently written work on a very controversial subject. Even the footnotes are interesting and sometimes thought-provoking. This book should become a standard reference work. It is readable enough for the general public yet sophisticated enough for the criminologist. For better or worse, it seems

to provide more support for those who oppose, rather than those who favor stricter civilian gun laws.<sup>3</sup> It is, nonetheless, an extremely important contribution to our understanding of a very complex subject.

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THE WAR AGAINST TERRORISM. By *Neil C. Livingstone*. Lexington, Massachusetts: Lexington Books, 1982. Pp. xi, 291. \$30.00.

Livingstone's *War Against Terrorism* is one of a host of terrorism texts to appear in the late 1970's and early 1980's. This book, quite encyclopedic and well organized, compares favorably with contemporary texts, such as Kobetz and Cooper's *Target Terrorism* and Elliot and Gibson's *Contemporary Terrorism*. Livingstone's book does suffer, however, from shortcomings also contained in the above-named works, as well as in Sterling's oft-cited *Terror Network*, specifically a lack of objectivity when noting alleged Soviet, Libyan, and Cuban support for international, transnational, or intranational terrorism. Livingstone's scrupulous omission of alleged United States support for official state terror in such brutal authoritarian and quasi-totalitarian states as the Republic of South Africa, Guatemala, Chile, El Salvador, the Philippines, Korea, and others is well worth noting, as is the book's failure to note alleged United States support for transnational, international, or intranational terrorism. The author also fails to clearly differentiate between "terrorism" and "guerrillaism." Livingstone's work also confuses nation-state support of national liberation struggles and neo-colonial conflict for Soviet proxy activity; only the most naive would assume that the acceptance of military, logistical, political, or moral support automatically qualifies a "guerrilla," "terrorist," or "revolutionary" leader or organization as a dupe, proxy, or surrogate of the benefactor state. This does not mean, of course, that the benefactor does not anticipate immediate or future gain from such "generous," task-oriented behavior. Perhaps Livingstone's most grievous wrong is the liberty he takes with generalizations lacking in scholarly documentation, such as the alleged support of some Palestinian elements for illicit drug trade, or alleged Soviet surrogate Libyan and Palestinian provision of arms and munitions to the Irish Republi-

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<sup>3</sup> Wright apparently agrees with this assessment. See *Handgun Control Legislation: Hearings Before the Subcomm. on Criminal Law of the Senate Comm. on the Judiciary*, 97th Cong., 2nd Sess. 77 (1982) (testimony of James D. Wright).

can Army. While such assertions may be true, the scholar has an obligation to substantiate such claims, as well as distinguish between regional power interests and superpower interests. The bandying about of such a label as "surrogate" requires definition and substantiation. What is in Libya's or Cuba's interest may also be in the interest of Soviet geopolitics; this does not, however, make nation-states such as Libya and Cuba surrogates of the Soviet Union.

Thus, Livingstone's *War Against Terrorism* is far from perfect; it generalizes without documentation. It frequently equates terrorism with guerrillaism and stresses alleged Soviet, Libyan, and Cuban terrorism and alleged support for terrorism, while completely ignoring the alleged role of the United States and its allies, France and Great Britain, in similar activities. It does note the role of Israel's Mossad, yet Livingstone's interpretation of alleged Mossad violence is muted. On the other hand, he does cite the violence of early Zionist extremists of the Irgun, Hagana, and Stern gang. Yet any condemnation of alleged Israeli terrorism and support of terrorism is also lacking.

As noted previously, however, this book is well organized and comprehensive. Chapter one offers a brief history of the genesis of modern terrorism, the extent of the current threat, and an overview of nation-state response to such threats. Chapter two is concerned with "The Organization of Violence: International Support and Financing of Terrorism." Chapter three offers a "Terrorist Profile," which is rife with fact and, unfortunately, undocumented generalization. Chapter four is concerned with "the Media Connection," chapter five reviews the "Terrorist Threat to U.S. Civil Aviation." Chapter six offers a review of current terrorist weapons and speculates about future terrorist weaponry, while chapter seven attempts to predict future terrorist targets. Chapter eight cites current and allegedly necessary strategies for the war against terrorism. Chapter nine notes the private sector's vulnerability to terrorism and its contribution to the struggle against terrorism (perhaps the most novel contribution made by this text). Chapter ten offers a review of official United States policy on the control and suppression of terrorism.

In conclusion, it should be noted that this reviewer is currently using this book as one of the required texts in an undergraduate honors seminar on terrorism. The students in this seminar have vigorously condemned this book for its lack of scholarly objectivity. This is not, however, the worst book in the terrorism field. Nonetheless, *The War Against Terrorism* is not a suitable substitute for the now dated Laqueur classics *Guerrilla and Terrorism* or Moss's landmark, *The War for the Cities*.

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